

## **REMARKS**

### **I. Status of the Claims**

Claims 14, 17, 20, 25, 30, 32-34, 39, and 40 were pending at the time of the Action. Claim 31 is canceled. Claims 14, 17, 25, 30, and 39 have been amended. Claims 41-53 are new. Support for the amended claims and the new claims can be found in the claims as originally filed, SEQ ID NO:1, SEQ ID NO:3, Example 3, and Example 6. No new subject matter has been added by the afore mentioned amendments.

Claims 14, 17, 20, 25, 30, 32-34, 39, 40-53 are now pending and in condition for allowance.

### **II. Summary of Substance of Telephonic Interview**

Applicants' representatives Charles Goyer, Melanie Carpentier, and Charles Landrum conducted a telephonic interview with Examiner Kolker on July 7, 2009. The participants discussed various changes to the claims that may result in a notice of allowance. Applicants agreed to submit claim amendments in an after final response that reflect the substance of the telephonic interview. Such claims are provided herein.

### **III. Sequence Listing**

Three sequences, SEQ ID NO:409, 410 and 411, are being included in the sequence listing filed concurrently with this response. SEQ ID NO:409 is the amino acid sequence of SCN1A comprising a D188V mutation as described in Example 6. SEQ ID NO:410 is the amino acid sequence of SCN1A comprising a E1238D mutation as described in Example 3. SEQ ID NO:411 is the amino acid sequence of SCN1A comprising a S1773Y mutation as described in Example 3.

**IV. Rejection under 35 U.S.C. §112**

The Action rejects claims 25 and 39-40 as being indefinite.

Applicants have clarified the claims. The rejection is moot.

**V. Rejections under 35 U.S.C. §103**

The Action rejects claims 14, 17, 20, and 31 as being obvious in light of Noda (1987) in view of PCT publication WO 97/01577, Malo (1994) and Current Protocols in Molecular Biology.

Applicants have clarified the claims and directed the current claims to nucleic acids encoding mutant forms of the SCN1A polypeptide. Applicants request the withdrawal of the rejections.

**VI. CONCLUSION**

Applicants believe that the present document is a full and complete response to the March 10, 2009 office action. The present case is in condition for allowance, and such favorable action is respectfully requested.

The Examiner is encouraged to contact the undersigned Attorney at (512) 536-3167 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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